

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 631**

Introduced by Bostar, 29; Morfeld, 46.

Read first time January 20, 2021

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to rental property; to define a term; to  
2 prohibit a county from prohibiting the use of property as a short-  
3 term rental as prescribed; and to provide a duty for the Revisor of  
4 Statutes.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1.   (1) For purposes of this section, short-term rental  
2 means a residential property, including a single-family dwelling or a  
3 unit in a condominium, cooperative, or time-share, that is rented wholly  
4 or partly for a fee for a period not longer than thirty consecutive days.

5           (2) A county shall not adopt or enforce an ordinance, resolution, or  
6 other regulation that expressly or effectively prohibits the use of a  
7 property as a short-term rental.

8           (3) A county may adopt or enforce an ordinance, resolution, or other  
9 regulation that specifically regulates property used as a short-term  
10 rental only if the county demonstrates that the primary purpose of the  
11 ordinance, resolution, or other regulation is to protect the public's  
12 health and safety. An ordinance, resolution, or other regulation  
13 authorized by this subsection includes:

14           (a) Requirements addressing:

15           (i) Fire and building codes;

16           (ii) Health and sanitation;

17           (iii) Traffic control; and

18           (iv) Solid or hazardous waste and pollution control; and

19           (b) Requirements regarding the designation of an emergency contact  
20 for the property.

21           (4) A county may adopt or enforce an ordinance, resolution, or other  
22 regulation that imposes a sales tax or an occupation tax on short-term  
23 rentals if the tax is otherwise permitted by applicable law.

24           (5) A county may adopt or enforce an ordinance, resolution, or other  
25 regulation that limits or prohibits the use of a short-term rental only  
26 if the law limits or prohibits the use of a short-term rental for the  
27 purpose of:

28           (a) Housing sex offenders;

29           (b) Operating a structured sober living home or similar enterprise;

30           (c) Selling illegal drugs;

31           (d) Selling alcohol or another activity that requires a permit or

1 license under the Nebraska Liquor Control Act; or

2 (e) Operating a sexually oriented business.

3 (6) A county shall apply an ordinance, resolution, or other  
4 regulation regulating land use to a short-term rental in the same manner  
5 as another similar property. An ordinance, resolution, or other  
6 regulation described by this subsection includes:

7 (a) Residential use and other zoning matters;

8 (b) Noise and other nuisances; and

9 (c) Property maintenance.

10 (7) This section shall not be construed to affect regulations of a  
11 private entity, including a homeowners association organized under the  
12 Condominium Property Act or the Nebraska Condominium Act.

13 Sec. 2. The Revisor of Statutes shall assign section 1 of this act  
14 to Chapter 23.